

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION # 03CV30298-MAP

JAMES TULGAN,
Plaintiff

v.

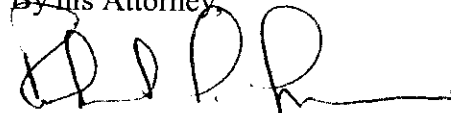
BERKSHIRE ARMORED CAR SERVICES
CO., INC. PROFIT SHARING PLAN,
BERKSHIRE ARMORED CAR SERVICES
CO., INC., GERARD S. REDER and
JACQUELINE POWERS
Defendants

PLAINTIFF'S ASSENT TO
DEFENDANTS' MOTION TO
RESCHEDULE THE SCHEDULING
CONFERENCE

The plaintiff assents to the defendants' motion to reschedule the scheduling conference because the attorney for the defendants is scheduled to be a witness in a criminal matter beginning on December 6, 2004 and for two weeks thereafter.

Defendants' counsel notes in his motion that the attorney for the plaintiff did not respond to a request for an assent to the motion. It was counsel's intent to assent to the motion but, upon checking the file, it appears the assent was inadvertently not communicated to Attorney Houghton.

The Plaintiff,
By his Attorney,



Robert L. Leonard, Esquire
Doherty, Wallace, Pillsbury & Murphy, P.C.
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B.B.O. Number: 294060

CERTIFICATE OF SERVICE

I, Robert L. Leonard, Esq., hereby certify that on December 3, 2004 I served a copy of the foregoing on the parties to the case by mailing and telecopying a copy of same to:

Jack E. Houghton, Jr., Esq.
78 Bartlett Avenue
Pittsfield, MA 01201

A handwritten signature in black ink, appearing to read 'R. L. Leonard', written over a horizontal line.

Robert L. Leonard, Esq.